



W.P.(MD).No.2222 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.2222 of 2013

Ganesan

... Petitioner

Vs.

The Junior Engineer,
O and M/South,
TANGEDCO,
Viralimalai,
Illuppur Taluk,
Pudukkottai District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of the respondent in his proceedings in க.எண்.இ.மி.பொ/இ.கா/தெ/வி.மலை/கோ./அ.எண்.1, dated 31.01.2013 and to quash the same.

For Petitioner : Mr.K.Baalasundharam
For Respondent : Mr.S.Deenadhayalan

ORDER

The present writ petition has been filed challenging the order passed by respondent herein effecting disconnection of electricity service

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connection to the survey no.17/5, which stands in the name of the writ petitioner.

2. According to the petitioner, he is the owner of survey no.17/5 and he had also dug a well in the said survey number. The petitioner further submits that due to certain sentimental values, he had applied for a service connection in the name of his relative one Annalakshmi for the said survey number. The service was effected in the year 1995. However, the above said service connection was disconnected on 31.01.2013 on the ground that the said Annalakshmi had applied for agricultural service connection only for survey no.41 but, the service connection has been effected to survey no.17/5. The said order is under challenge in the present writ petition.

3. The learned Counsel for the petitioner had contended that the agricultural service connection was applied only for his land in survey no.17/5 but it was applied in the name of his relative Annalakshmi only for sentimental purpose. Hence, the order impugned in the writ petition



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can be set aside.

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4.Per contra, the learned Standing Counsel appearing for the respondent had contended that Annalakshmi had applied for service connected only for survey no.41 in the year 1985. On reaching seniority, the service connection was effected in the year 1995 erroneously to survey no.17/5 belonging to the writ petitioner. When this mistake was found out, under the impugned order, the service connection was disconnected. Hence, the learned Counsel for the respondent prayed for sustaining the impugned order.

5.I have carefully considered the submissions made on either side. Admittedly, the petitioner is enjoying agricultural connection from the year 1995 onwards for the property in survey no.17/5. In the typed set of papers, the petitioner has produced affidavit from the said Annalakshmi to the effect that she has no objection whatsoever for continuing the service connection for survey no.17/5. However, the learned Counsel for respondent points out that no such affidavit has been placed before the



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respondent herein. Considering the fact that the petitioner is enjoying the agricultural service connection for more than 25 years, this Court is inclined to pass the following order.

i.The petitioner is directed to produce documents to establish his title and possession over survey no.17/5 to the electricity board.

ii.The petitioner shall also produce a no objection letter from the said Annalakshmi to the fact that she does not have any objection for continuing the service connection for survey no.17/5.

iii.On the production of the above said documents, the respondent Board is directed to transfer the electricity service connection from the name of Annalakshmi to the name of the writ petitioner within a period of 12 weeks from the date of receipt of all the documents from the writ petitioner.

6.With the above said observation, the writ petition stands allowed. No costs.

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Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR ,J.

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

Order made in
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